

UNITED STATES DISTRICT
COURT SOUTHERN DISTRICT
OF TEXAS McALLEN DIVISION

March 19, 2024

Nathan Ochsner, Clerk of Court

UNITED STATES OF AMERICA

v.

§

Criminal No. M-23-1248-S3

§

§

§

KEVIN URIEL GARZA

§

REBECA MALDONADO

§

VANESSA RAMOS-BARRERA

§

ANASTACIO RUIZ, JR.

§

CARLOS ENRIQUE ACOSTA

§

§

§

EMILIANO SOSA

§

§

SEALED THIRD SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES:

Count One

From on or about December 13, 2022 and continuing through on or about September 29, 2023 in the Southern District of Texas, defendants,

and
ANASTACIO RUIZ, JR.

did knowingly combine, conspire, and agree with each other and with other persons known and unknown to the grand jury to commit offenses against the United States in violation of Title 18, United States Code, Section 1956(a)(2)(A), to wit: to transport, transmit, transfer, or attempt to transport, transmit, or transfer a monetary instrument or funds from a place outside the United States to or through a place inside the United States with the intent to promote the carrying on of specified unlawful activity, namely, the smuggling of items controlled under regulations under the Export Administration Regulations listed at 15 Code of Federal Regulations Parts 730-774 contrary to Title 18, United States Code, Section 554 and violations of Title 18, United States Code, Section 932.

All in violation of Title 18, United States Code, Section 1956(h).

Count Two

On or about December 13, 2022 through on or about September 29, 2023, in the Southern District of Texas and elsewhere within the jurisdiction of the Court, defendants,

[REDACTED]
ANASTACIO RUIZ, JR.
and
CARLOS ENRIQUE ACOSTA

did knowingly and intentionally conspire and agree with other persons known and unknown to the Grand Jurors, to conspire to purchase any firearm in or otherwise affecting interstate or foreign commerce for, on behalf of, or at the request or demand of any other person, knowing or having reasonable cause to believe that such other person intends to use, carry, possess, sell or otherwise dispose of the firearm in furtherance of a felony, namely violations of Title 18 United States Code Section 554.

In violation of Title 18, United States Code, Sections 932(b)(2).

Count Three

From on or about December 13, 2022 through on or about September 29, 2023, in the Southern District of Texas and within the jurisdiction of the Court, Defendants,

[REDACTED]
and
ANASTACIO RUIZ, JR.

did fraudulently and knowingly receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of any merchandise, article, or object, to wit: namely multiple firearms and thousands of rounds of .50 caliber ammunition, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States, namely, without a license or written approval from the United States Department of Commerce, as required by Title 50, United States Code, Sections 4819 and Title 15, Code of Federal Regulations, Sections 730-774.

In violation of Title 18, United States Code, Sections 554(a) and 2.

Count Four

On or about September 28, 2023, in the Southern District of Texas and within the jurisdiction of the Court, Defendant,

ANASTACIO RUIZ, JR.

received and possessed a firearm, namely, a Harrington & Richardson, Model 88, 12 gauge shot gun having a barrel of less than 18 inches in length, not registered to Defendant in the National Firearms Registration and Transfer Record.

In violation of Title 26, United States Code, Sections 5841, 5845(a)(1), 5861(d), and 5871.

Count Five

From on or about February 7, 2023 through at least August 18, 2023, in the Southern District of Texas and within the jurisdiction of the Court, Defendant,

KEVIN URIEL GARZA

did fraudulently and knowingly receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of any merchandise, article, or object, to wit: approximately 11,480 rounds of .50 caliber ammunition, 11,220 rounds of 7.62x39mm caliber ammunition, 4,000 rounds of 5.56mm caliber ammunition; and 3,000 rounds of .38 super caliber ammunition, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States, namely, without a license or written approval from the United States Department of Commerce, as required by Title 50, United States Code, Sections 4819 and Title 15, Code of Federal Regulations, Sections 730-774.

In violation of Title 18, United States Code, Sections 554(a) and 2.

Count Six

On or about July 8, 2023, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

REBECA MALDONADO

knowingly made a false statement and representation to Carter's Country #03, a federally licensed firearm dealer in Pasadena, Texas, with respect to information required to be kept in the records of said federally licensed firearms dealer, in that the Defendant did execute a Bureau of Alcohol, Tobacco, Firearms, and Explosives Form 4473, Firearms Transaction Record, in connection with the acquisition of a Beretta USA Corp, Model 92X, 9mm caliber pistol by representing on the Form 4473:

- (a) that her residence and address was at specified address in Baytown, Texas, when in truth and fact it was not her residence or address; and
- (b) by representing that she was the actual transferee/buyer of the firearm when in truth and fact she was not the actual transferee/buyer of the firearm.

In violation of Title 18, United States Code, Section 924(a)(1)(A).

Counts Seven through Eleven

On the following dates, in the Southern District of Texas and within the jurisdiction of the Court, Defendant,

VANESSA RAMOS-BARRERA

knowingly made a false statement and representation to Glick Twins, a federally licensed firearm dealer in Pharr, Texas, intended or likely to deceive said federal firearms dealer with respect to any fact material to the lawfulness of the sale or disposition of a firearm to be acquired from said federal firearms dealer, in that the Defendant did execute a Bureau of Alcohol, Tobacco, Firearms, and Explosives Form 4473, Firearms Transaction Record, by representing on the Form 4473:

- (a) that her residence and address was at specified address in Channelview, Texas, when in truth and fact it was not her residence or address; and
- (b) by representing that she was the actual transferee/buyer of the firearm when in truth and fact she was not the actual transferee/buyer of the firearm.

Count	Date	Firearm to be Acquired
7	December 6, 2022	Romarm CAI, Model Micro Draco, 7.62 caliber pistol
8	December 28, 2022	Riley Defense, RAK-47, 7.62x39mm caliber rifle
9	February 28, 2023	Glock, Model 42, .380 caliber pistol and a Smith & Wesson, Model .380 Shield, .380 caliber pistol
10	January 24, 2023	Taurus, Model TX22, .22LR caliber pistol and a Ruger, Model LCP, .380 caliber pistol
11	February 15, 2023	Glock, Model 48, 9mm caliber pistol and a Ruger, Model LCP II, .380 caliber pistol

Count Fifteen

On or about December 13, 2022, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

CARLOS ENRIQUE ACOSTA

knowingly being a felon, having been convicted of a crime punishable by imprisonment for a term exceeding one year, namely Robbery in cause number CR-4174-18-J in the 430th Judicial District Court of Hidalgo County, Texas, did knowingly and unlawfully possess in and affecting interstate and foreign commerce a firearm, namely, a Smith and Wesson, Model M&P 15-22, .22LR caliber rifle.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

Count Sixteen

From on or about July 13, 2021 through at least August 18, 2023, in the Southern District of Texas and within the jurisdiction of the Court, Defendant,

did fraudulently and knowingly receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of any merchandise, article, or object, to wit: approximately 707,000 rounds of 7.62x39mm caliber ammunition and 235,000 rounds of .223 caliber ammunition, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States, namely, without a license or written approval from the United States Department of Commerce, as required by Title 50, United States Code, Sections 4819 and Title 15, Code of Federal Regulations, Sections 730-774.

In violation of Title 18, United States Code, Sections 554(a) and 2.

Count Seventeen

From on or about August 5, 2021 and continuing through on or about August 18, 2023 in the Southern District of Texas, defendant,

did knowingly combine, conspire, and agree with each other and with other persons known and unknown to the grand jury to commit offenses against the United States in violation of Title 18, United States Code, Section 1956(a)(2)(A), to wit: to transport, transmit, transfer, or attempt to transport, transmit, or transfer a monetary instrument or funds from a place outside the United States to or through a place inside the United States with the intent to promote the carrying on of specified unlawful activity, namely, the smuggling of items controlled under regulations under the Export Administration Regulations listed at 15 Code of Federal Regulations Parts 730-774 contrary to Title 18, United States Code, Section 554.

All in violation of Title 18, United States Code, Section 1956(h).

Count Eighteen

From on or about May 13, 2022 through on or about September 20, 2023, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

[REDACTED]

not being a licensed dealer of firearms did willfully engage in the business of dealing in firearms, namely approximately 95 firearms.

In violation of Title 18, United States Code, Sections 922(a)(1)(A).

NOTICE OF FORFEITURE

18 U.S.C. § 924(d)(1); 18 U.S.C. § 982; 21 U.S.C. § 853; 28 U.S.C. § 2461(c)

Pursuant to Title 18, United States Code, Section 982 and Title 28, United States Code, Section 2461(c), the United States gives notice to defendants charged in this Second Superseding Indictment, that in the event of conviction for an offense charged in Counts 1 or 17 of this Second Superseding Indictment, the United States intends to seek forfeiture of any property, real or personal, involved in such offense, or any property traceable to such property.

The United States further gives notice to defendants charged in this Third Superseding Indictment pursuant to Title 18 United States Code, Section 924(d)(1) that in the event of conviction for an offense charged in Counts 2 through 16 and 18 of this Third Superseding Indictment, that any firearm or ammunition involved in or used in any knowing violation, including those firearms

referenced in such counts, of said offenses shall be subject to forfeiture.

Money Judgment

Defendants are notified that upon conviction, a monetary judgment may be imposed equal to the total value of the property subject to forfeiture.

Substitute Assets

Defendants are notified that in the event that property subject to forfeiture, as a result of any act or omission of defendants,

(A) cannot be located upon the exercise of due diligence;

(B) has been transferred or sold to, or deposited with, a third party;

(C) has been placed beyond the jurisdiction of the court;

(D) has been substantially diminished in value; or

(E) has been commingled with other property that cannot be divided without difficulty,

it is the intent of the United States to seek forfeiture of any other property of the defendant up to the total value of such property pursuant to Title 21, United States Code, Section 853(p), incorporated by reference in Title 28, United States Code, Section 2461(c).

FOREPERSON

ALAMDAR S. HAMDANI
UNITED STATES ATTORNEY



ASSISTANT UNITED STATES ATTORNEY

TRUE COPY I CERTIFY
ATTEST: March 19, 2024
NATHAN OCHSNER, Clerk of Court
By: s/ Sandra A. Silva
Deputy Clerk